FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

BAI	LARD	144873	COMPLAINT	
(First) (First) (Institute of the Control of the Co	ution) (1419 - ess)	(Identification Number) SCOT+ (Middle Name) COTECTIONAL Institution Lukesville, MS 39451 ame of the plaintiff, prisoner, and address	APR	PRIBT GF MIRBIRGIEPI LE D 1 0 2009 DBLIN. GLERK DEPUTY
Ric Lt.	Maræ Dalto	Police Department - N J. McDONALD -	CIVIL ACTION NUMBER:	(to be completed by the Court)
Bl (Enter o	MjAm above the full n	ome of the defendant or defendants in this action) OTHER LAW	SUITS FILED BY PLAINTIFF	,
	The 1	plaintiff must fully complete the followi	NOTICE AND WARNING: ing questions. Failure to do so may re	sult in your case being dismissed.
A.	Have y	ou ever filed any other lawsuits in a cou	rt of the United States?	Yes() No(4)
B.	is more	answer to A is yes, complete the following than one action, complete the following all sheets of paper.)		
	1.	Parties to the action:		
	2.	Court (if federal court, name the distric	ct; if state court, name the county):	
	3.	Docket Number:		
	4.	Name of judge to whom case was assign	ned:	
	5.		case dismissed? If so, what grou	nds? Was it appealed? Is it still

PARTIES

for additional plaintiff, if any).	ther in the first drank and place your present address in the second drank. Do the same
I. Name of plaintiff: DEON S. BAHART	Prisoner Number: 144373
Address: Post Office Box H19-18	cakesvill, ms 39481
	endant in the first blank, his official position in the second blank, and his place of elow item II for the names, positions, and places of employment of any additional
II. Defendant: BRANDON AThurma	is employed as
Police Officer	at Richard Police Depar
ment	· ·
of each defendant(s). Therefore, the plaintiff is PLAINTIFF:	
NAME: DEON Scott ADD	South Mississippi Correctional Institution
BALLARD	P. O. Box 1419 leakes VIII, Ins 39451
DEFENDANT(S):	
NAME DAILON J. McDonald ADD	RESS Richard Police Department 371 Scarbrough 84
Benjamin L. Drake	371 Scarbrough 34
Brandon Q Thurman	RicHard, Mrs 39218
, , ,	PH# 401-426-1554
	PHH 601-420-1564 FX# 601-420-1565

GENERAL INFORMATION

A.	At the	time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?
	Yes () No (1)
B.	Are yo	ou presently incarcerated for a parole or probation violation?
	Yes () No (~)
C.	At the (MDC	time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections oC)?
	Yes () No(\(\frac{1}{3}\))
D.	Are yo	ou currently an inmate of the Mississippi Department of Corrections (MDOC)?
	Yes	3) No()
E.	Have	you completed the Administrative Remedy Program regarding the claims presented in this complaint?
	Yes (No (), if so, state the results of the procedure: ALRWKIN CO. Juil & lake Sent Mary
	lett	ers to the Richard Police Department all with No reply.
F.	If you	are <u>not</u> an inmate of the Mississippi Department of Corrections, answer the following questions:
	Ι.	Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?
		Yes () No ()
	2.	State how your claims were presented (written request, verbal request, request for forms):
	3.	State the date your claims were presented:
	4.	State the result of the procedure:

STATEMENT OF CLAIM

III.	State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.) And the Algebraha for the Algebraha for the second that the state of the second that
	a Richland Police Officer. The officer was for 41 c. Donald. This
	Officer practiced up to my can an asked ung have I been in a Robber
	I the defendant stated no" He Officer then Called his Dispatch
	for I.D. Sugaration. The disputcher stated that the "Wate was
	" a light skinned Black sprake in a gold colored can. The Office,
•	then seen I was not dight stinned - not in a gold Ampula-Ca
	No with a white-The on Therefore Oge: M.C. Donald told in
	to get out of my can an walk to the back of uny can. The office
	then patted me down, but die not geel a see a gun. After that
	other officers came where I was stoped (on 1-20). Next pg
	RELIEF
IV.	State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.
	is for I the defendant to get back from the Richland P.D.
	All Diamond fewelry that was seized as Amed Robberg
	Case droped an dismissed. Also for the defendant -
	Dem 5. Bullard Not to Come back to the state of
	- Mississippi, AN Plainty Paid for justing if lost.
	Signed this, and, and, and
	(Dec 5. Ballace 144313
	Signature of plaintiff, prisoner number and address of plaintiff
	I declare under penalty of perjury that the foregoing is true and correct.
	11/5/09

Case 3:09-cv-00234-TSL-JCS Document 1 Filed 04/10/09 Page 5 of 14 Several Richard, Pearl, and Flowood Officers arrived pices: We Donald, and Ore: Brandon a Thursan asked to look into my car, an I stated "vo" "Therefore Ge: -Thurman stated in aply " him going to look in this "Birch" anyway, an started to look Before the above said Met was done the defendant was already arrested an in "handlyggs" for Failure to field to the lights an Siren by ge: 41 Donald. - See Exhibit A-pg: 1-5# f Ex: D. OI has Not Lightskinned with is White Tee on; from what Offices 11 Donald seen. D' He defindant was Arasted for tailure to yield to Blue lights - extract ony grad of running No speeding. (3) I stated "no" to the Officers to look into My Car, but OFC: Thurman looked any way, an found t Tiegel: I Hand Gan, A white-Tee shirt that war also Green, Red, and Black, 3 Necklaces, 1, watch, an 1-Braclet-(All lu Dianondo). Also 1, Detroit Cap, as sun-At this Time the defendant is still standing at the back of his 2006 they Malibu-Tan-in Color By this Time Officer: Slyw Ball arrived with some uperstruss to do a "show I. D." on this defendant on "1-20" - A shew-up-I.D.-Therefore when this defendant has I Died by the said lyeesthest "Bridget -Hallingsworth - Ge: I'l Donald Stated Fo the degendant you are reassisted "for a fined toldowy"

Case 3:09-cv-00234-TSL-JCS Document 1 Filed 04/10/09 Page 6 of 14 It was told later that a Robbing happen of "Wendybo Restaurant" on they 49 in Richard, 115 just "Smin" gter the Segendant was stoped on I 20. To look for a Light 5 kinned Black male in a Gold the defendants 2006 Cherg maliber. Difficer II Donald stated to the "Wards" Tow Driver: "Look I need good Cause to stop him ""30 I can lock his ass up!"-"We are going to put on the "Impand Report" that I stoped a JOCK Impala": Legar a the true Name and Type of the Separlanta This Plaintif is Non Convicted by a "Open-pla" for the Charge of Amed-Robbery on Nov. 17, 2008 Case #19161 - Therefore P. C. R is condenuas. Det Benjamin Drafe Carre to I. 20 an started to take pictures of my property an stated to me "you won't get your jewely back! This stafe is where" pg:6



Page 1

<u> Home/Business</u>

(601) 000-0000

(601) 000-0000

(601) 862-0224

Signal: 75J1

Received: 10/06/2007

23:50 Incident No: 2007100120

23:50

Occurence: 10/06/2007 23:50

Location: 902 HWY 49 S RICHLAND

Dispatched: Enroute:

ID # 75016939

TYPE OF INDIVIDUAL I

23:53 11:53 N MS Arrived:

Completed: 10/07/2007 01:07 Am

Status Date/Time: 10/07/2007 02:13 Status: UCR REPORT

Clearance Reason/Date:

Status Date/Time: 10/07/2007 02:13 Status: CLEARED BY ARREST

Clearance Reason/Date:

Dispatch Notes: RPD0099 10/06/2007 23:53:08:

LIGHT SKINNED B/M IN A GOLD COLORED CAR HAS JUST HELD UP CASHIER AT WINDOW BY GUNPOINT

AND LEFT SCENE HEADING HWY 49 N/B RPD0099 10/07/2007 0:26:09: 3:04 pm

MATCHING DESCRIPTION OF VEHICLE WAS LOCATED AND STOPPED AT I-20 W/B JUST UNDER I-55

RPD0099_10/07/2007 0:28:09:

DEON BALLARD 366988781

MS 10-28 345HNS

RPD0099 10/07/2007 0:29:37:

HI POINT .380 CALIBER WITH SER # P859714 WAS DISCOVERED IN DRIVER'S VEHICLE

****** COMPLAINANT(S) ******

ID#		WENDY'S,	<u>Home</u>	/Business
			(000)	000-0000
	TYPE OF INDIVIDUA	LB	(000)	000-0000
			(000)	000-0000
ID#		HOLLINGSWORTH, BRIDGET A	<u>Home</u>	/Business
			(000)	000-0000
	TYPE OF INDIVIDUA	aL I	(000)	000-0000
			(000)	000-0000
ID# RPD00	79	MCDONALD, DALTON J.	<u>Home</u>	<u>/Business</u>
		391 SCARBROUGH ST , RICHLAND MS 0000	(601)	000-0000
TYPE OF INDIVIDUA		AL O	(601)	000-0000
			(601)	000-0000
ID#		HAYES, CHERYL	<u>Home</u>	/Business
			(000)	000-0000
	TYPE OF INDIVIDUA	AL I	(000)	000-0000
			(000)	000-0000
		****** OFFENDER *******		

Exhibit (A)

5741 ANGLE, JACKSON MS 392060000

BALLARD, DEON SCOTT

DATE: 10/24/2007	,						Ра	ge 3
INJURY TYPE(S) 🔀 I	None Broken Bones	InternalLa	cerations M	linor	Major [Teeth	Unconscio	us
	***	****** PROI	PERTY ***	*****	•			
Property ID#: 850110	046	Туре: 20	MONEY					
Connected With	h (Party, Offense):			1 ROBE	BERY-AR	MED		
Serial/VIN:	•	Year:	Make:		Model:		Color:	
Style:	License\State\Exp:			Locked		Keys	Value:	\$201.00
Insurance:		Lien:			Towe	ed By:		
Owner:	Owner ID#:			Caliber:				Registered
Reported Stole	n ID#:	·	Return	ied/Sold -	Date/Am	ount:		0.00
Notes: \$ 201.6	00 FOUND IN SUSPECTS	LEFT FRONT PA	NTS POCKET.					
Status: R	RECOVERED		Agency: RPD	,	Value:	0.00	Quantity:	0.00
Status Date/Tin	ne: 10/06/2007 23:53 Lo	cation: I-20 WB						
Comments:								
Property ID#: 850110	047	Type: 06	CLOTHES/FU	JRS				
, ,	h (Party, Offense):	, ·		1 ROBE	BERY-AR	MED		
Serial/VIN:	,	Year:	Make:		Model:		Color:	
Style:	License\State\Exp:			Locked		Keys	Value:	\$0.00
Insurance:		Lien	:		Tow	ed By:		
Owner:	Owner ID#: 750	16939		Caliber:	:			Registered
Reported Stole	en ID#:		Return	ned/Sold -	Date/Am	ount:		0.00
Notes: WHITI	E SHIRT FOUND IN SUSF	PECTS VEHICLE (JSED IN ROBBE	ERY.				
Status: SE	SEIZED		Agency: RPD		Value:	0.00	Quantity:	0.00
Status Date/Tir	me: 10/06/2007 23:53 Lo	ocation: VEHICLE	I-20 WB					
Comments:								
Property ID#: 85011	048	Type: 17	JEWELRY / I	PRECIOU	IS METAI	LS		
	th (Party, Offense):	•		1 ROB	BERY-AF	RMED		
Serial/VIN:		Year:	: Make:		Model:		Color:	
Style:	License\State\Exp:			Locked		Keys	Value:	\$0,00
Insurance:		Lier	1:		Tow	ed By:		
Owner:	Owner ID#: 750	016939		Caliber	:			Registered
Reported Stole	en ID#:		Retur	ned/Sold ·	- Date/An	nount:		0.00
Notes: THRE	E NECKLACES - ONE BF	RACLET AND A W	ATCH					
Status: SE	SEIZED		Agency: RPD	•	Value:	0.00	Quantity:	0.00
	ime: 10/07/2007 05:57 Li	ocation: VEHICLE	I-20 WB					
Comments:								

DATE: 10/24/2007

Page 5

Status: SE

SEIZED

Agency: RPD

Value: 0.00

Quantity:

0.00

Status Date/Time: 10/07/2007 06:06 Location: SUSPECT WAS WEARING

Comments:

**** ASSIGNED OFFICER ******

MCDONALD, DALTON J.

**** ASSISTING OFFICER *****

GRICE, HEATH BABB, GLYNN THURMAN, BRANDON Q

**** ASSIGNED DETECTIVE *****

DRAKE, BENJAMIN LEE

***** DISPATCHER(S) ******

BARTA, JAMES

**** CALL RECEIVED BY *****

BARTA, JAMES

***** OTHER PARTY(IES) *****

WARD'S TOWING,

Page 6

DATE: 10/24/2007

Author: MCDONALD, DALTON J.

Agency: RPD Incident No: 2007100120

Title: ARMED ROBBERY WENDY'S

Report Type: |

ON SATURDAY 06 OCTOBER, 2007 AT APPROXIMATELY 2350 HRS. DISPATCH ADVISED OF AN ARMED ROBBERY AT WENDY'S. DISPATCH ADVISED THE OFFENDER WAS A B/M IN A GOLD IMPALA. DISPATCH ADVISED THE OFFENDER WAS ARMED AND LAST SEEN NB ON HWY 49. (IN HOLLING WAS LIKE WAS

I LT. DALTON MCDONALD WAS ON INTERSTATE DR. AT THE EAST FRONTAGE RD. I PULLED TO THE ON RAMP TO HWY 49 NB WATCHING TRAFFIC. TRAFFIC WAS LIGHT. WITHIN A FEW SECONDS I OBSERVED A GOLD IMPALA OR MALIBU NB. AS I TRAVELED OVER THE RAILROAD OVERPASS, I OBSERVED THE VEHICLE TURNING ON THE NEW BRIDGE TO I-20 WB. I ACTIVATED MY BLUE LIGHTS AND SIREN. THE VEHICLE ACCELERATED TRAVELING WEST ON I-20 TOWARDS STATE STREET. I CAUGHT THE VEHICLE UNDER THE I - 55 FLY OVER. THE DRIVER PULLED OVER SHORTLY AFTER I CAUGHT UP TO HIM. THE VEHICLE DIDN'T HAVE A TAG DISPLAYED. THE TAG WAS LATER FOUND LYING FACE DOWN ON THE REAR DECK. THE VEHICLE DIDN'T HAVE ANY PASSENGERS.

I APPROACHED THE DRIVER, HE WAS HOLDING HIS DL AND INSURANCE CARD. I ASKED THE DRIVER TO EXIT THE VEHICLE AND I PATTED THE DRIVER, NO WEAPON WAS FOUND ON THE SUBJECT. HE HAD A ROLL OF CASH WAS IN HIS LEFT FRONT PANTS POCKET. HE STATES HE IS NOT SURE OF THE AMOUNT. LATER WAS COUNTED AND TOTALED \$ 201.00 . I ASKED THE DRIVER WHY HE RAN FROM HE STATED HE DIDN'T SEE MY BLUE LIGHTS OR HEAR THE SIREN. SEVERAL RICHLAND, FLOWOOD AND PEARL PD UNITS ARRIVED ON SCENE

THE DRIVER ASLO HAD TWO SCREWS IN HIS LEFT FRONT PANTS POCKET. HE STATES THE SCREWS CAME FROM HIS TAG. HE TOOK IT OFF TO AVOID GETTING STOPPED. I ADVISED HIM THAT HIS TAG WASN'T EXPIRED. HE STATES THAT HE THOUGHT IT EXPIRED AT THE FIRST OF THE MONTH. I MADE CONTACT WITH DISPATCH TO GET MORE ID INFORMATION. DISPATCH ADVISED THE SUSPECT WAS A B/M WEARING A WHITE TEE SHIRT, A CAP TURNED AROUND BACKWARDS OR A STOCKING CAP AND DARK OVAL SHAPED SUNGLASSES.

THE DRIVER WAS WEARING A GREEN TEE SHIRT AND A STOCKING CAP. A WHITE TEE SHIRT, A BLUE CAP AND A PAIR OF OVAL SHAPED SUNGLASSES WAS LAYING ON THE PASSENGER SEAT. THE DRIVER ALSO STATES HE DOESN'T WANT US TO LOOK IN HIS VEHICLE. THE DRIVER WAS PLACED UNDER ARREST FOR FAILURE TO YIELD TO BLUE LIGHTS AND SIREN AND INVESTIGATION OF ARMED ROBBERY. THE OFFENDER WAS MIRANDIZED AT THIS TIME.

DURING THE SEARCH INCIDENT TO ARREST A LOADED HANDGUN WAS FOUND UNDER THE PASSENGER SEAT, THE HANDGUN IS A HIGHPOINT .380 SERIAL P859714. OFC. BABB ARRIVED AT WENDYS. BRIDGET HOLLINGSWORTH WAS WORKING THE DRIVE THRU WINDOW AND ADVISED THAT A B/M IN A GOLD CAR POINTED A BLACK HANDGUN AT HER

14-

DATE: 10/24/2007 Page 7

AND TOLD HER TO GIVE HIM ALL THE MONEY OR HE WOULD SHOOT HER. SHE ADVISED THAT IT WASN'T A REVOLVER IT LOOKED LIKE THE ONES POLICE OFFICERS CARRY. SHE GAVE THE OFFENDER A SUM OF MONEY. THEY WASN'T SURE OF THE TOTAL AMOUNT.

DET. DRAKE ARRIVED ON SCENE AND THE INVESTIGATION WAS TURNED OVER TO HIM.

THE VEHICLE IS A 2006 CHEVY MALIBU GOLD IN COLOR, THE MS TAG FOUND LYING FACE DOWN ON THE BACK DECK IS 345 HNS. THE VEHICLE IS REGISTERED TO THE SUSPECT. WARD'S TOWING TOWED THE VEHICLE.

I TRANSPORTED THE OFFENDER TO THE PD WITHOUT INCIDENT. DET. DRAKE AND LT. HIRSHFIELD CONTINUED THE INVESTIGATION. I BOOKED THE OFFENDER AND DET. DRAKE TOOK CUSTODY OF THE OFFENDER TO CONTINUE THE INVESTIGATION AND TO TRANSPORT THE OFFENDER TO RANKIN CO. JAIL

THE WENDY'S EMPLOYEES CAME TO THE PD AND GAVE WRITTEN AND VERBAL STATEMENTS. DET DRAKE HAS THE STATEMENTS.

THE EVIDENCE WAS LOGGED BY MYSELF AND DET. DRAKE AND PLACED IN THE EVIDENCE VAULT.



Richland Police Department

P.O. BOX 180370 • RICHLAND, MISSISSIPPI 39218

Phone: 601-932-3100 • Fax: 601-936-4614





Impounded Vehicle Inventory Report

DUI / CITATION / CASE #	MAKE: Chery	MODEL: Imp	oula
YEAR: 2006 COLOR: Tan	TAG #: 345 HNS	STATE: MS	^{(R:} 2007
IN: 16/2TSIF06F209199	TOWED FROM: I20	+I55	
stored at: Richland PD Towed l	by Wards		
REGISTERED (name) Dean Scott Rallard	REASO TOWE	D: USE	ARRESTED SEED IN CRIME (2)
address) 3809 Northeriew Dr Jack	-son 39206		TC HAZARD U UG SEIZURE U STOLEN U
HOLD FOR (officer/agency)	(_		OTHER [
·····Property Inventory Tak	en By Officers and T	ow Drivers ······	
MISSING DAMAGED	-	QUIPPED WITH:	
UPHOLSTERY DASH AREA WHEELS LIGHTS GENERATOR BATTERY TRANSMISSION DOORS SEATS TIRES ENGINE WINDOWS FENDERS MIRRORS MIRRORS COMMITTEN COMMITTE	BY MARKIN PASSI F R O N T DRI	AIR CONDITION FLOOR MATS MAG WHEELS MAG WHEELS ANY EXISTING DAMAGE AREA WITH X. ENGER SIDE TOP VERS SIDE	0
TE THE UNDERSIGNED OFFICER AND TOW DRIVER, HERE ORRECT TO THE BEST OF OUR KNOWLEDGE.	OFFICER	E LISTED JOINT INVENT	ory is
ATE: $\frac{10/7/07}{Valid drivers license and vehicle title and/or regi-$	BADO stration or other identification requ		
E // i h i t		THE END ENDINGS OF THE THE	

2007100120

2350

TXT: * DUPLICATE NUMBERS EXISTS FOR ALL TAG TYPES - VERIFY VIN

LIT/PC EXP/10-07 ISSUED/01-22-07 TAG STATUS/CURRENT L10/345 HNS

VIN/1612T51F06F209199 1906 CHEV MAL 4D TAN-OTH

> TLE/C999571 TYPE/TRANSFER

PUR-DTE/10-21-06 TLE-DTE/12-20-06 REG/BALLARD DEON

TLE/PALLARD DEON

5741 ANGLE DRIVE

5741 ANGLE DRIVE

JACKSON MS 39206 JACKSON

MS 39206

CG /HINDS

CO /HINDS

#LEINS/1

LEIN/1 DTE/10-81-06

LEIN/2 DTE/NO LEIN

DRIVE FINANCIAL SERVICES

P O BOX 560583

DALLAS

TX 75356

MRT 4112798 41111 0236 AT 23:58:56 10/06/07

TXT: OLN/800666573 CLASS/REGULAR OPERATOR

BALLARD

DEON

SCOTT

3889 NORTHVIEW DR

JACKSON.

48 39206

RACZB

SEX/M EYE/BRO

HAI/BLK

SOC/366988781 DOZ/19860624 ISSU/20060926 EXP/20100624

HGT/507

STATUS CDL:UNLICENSED

WGT/150

RESTRICTIONS/NONE

ENDORSEMENTS/ ELIG DATE/0000000

STATUS NON-COL: VALID COMVICTED OF

OCCUR-DT

CONV-DT COM/HAZ ACC ENF-AGENCY

DISP

SPEEDING 047 N 35 ZONE

120906 041707

012207 060507 N JACKSON-PD N MHP-MADISON

GL.T GL.T

** END OF DRIVERS HISTORY **

MRI 4112712 41111 0235 AT 23:58:21 10/06/07

TXT: NL0100DF, MRI4114011

SPEEDING 062 N 45 ZONE

490610500

NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX (III) FOR NAM/BALLARD, DEON. SEX/M. RAC/B. DOB/19860624. SOC/366988781. PUR/C.

END

MRT 4114012 41111 0001 AT 00:16:08 10/07/07

Exb (C

RICHLAND POLICE DEPARTMENT INCIDENT REPORT APPROVAL CHECKLIST

Please check blocks that are applicable to the case.

CASE NO. 2007/00120

Phone numbers of <u>all</u> Victim(s), Witness(s), Suspect(s) and Complainant(s). Case Contact Sheet Victims Rights Package Bond paperwork, court date notifications Finger prints (if bonded @ P.D.) Arrestee Report Vehicle Impound Report Consent to Search Form Affidavits, Citations (sworn to) Copies of Warrants and tele-types N.C.I.C. info. Parent info. on Juveniles Update ID. Info.
After approving the report, please sign and place in the case file.

Exhibit (0)